

**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF INDIANA  
INDIANAPOLIS DIVISION**

GERALD GLOVER, and  
GARY GAMBLE

*Plaintiffs,*

v.

TOWN OF AVON INDIANA,  
STEVE MOORE, and  
RYAN CANNON

*Defendants.*

CAUSE No. 1:22-cv-640

**COMPLAINT**

Plaintiffs, Gerald Glover and Gary Gamble, for their Complaint against Defendants the Town of Avon, Indiana, Steve Moore and Ryan Cannon, state:

**JURISDICTION AND VENUE**

1. Plaintiffs bring their claims pursuant to 42 USC 1983 and therefore invoke the federal question jurisdiction of this court under 28 USC 1331.

2. Venue is appropriate in that the events leading to this Complaint occurred in this judicial district.

**FACTS**

3. Plaintiff Gerald Glover is a Black person who resides in Marion County Indiana and was an employee of the Town of Avon, Indiana.

4. Plaintiff Gary Gamble is a White person who resides in Hendricks County Indiana and was an employee of the Town of Avon, Indiana.

5. Defendant, the Town of Avon, Indiana is a municipal corporation organized under the laws of the State of Indiana.

6. Defendant, Steve Moore is the Director of Public Works for the Town of Avon, Indiana.

7. Defendant, Ryan Cannon is the Town Manager for the Town of Avon, Indiana.

8. Gerald Glover was hired by Avon as Street Superintendent in April 2019.

9. Gary Gamble is 63 years old and has worked for Avon in park maintenance, and then promoted to Parks Superintendent and promoted again to Director of Parks Operations.

10. Defendant Steve Moore was hired in 2021 as Director of Public Works.

11. Defendant Steve Moore routinely used offensive and racist language about Gerald Glover to Gary Gamble, and others.

12. Defendant Steve Moore told Gary Gamble, and others, that Gerald Glover is lazy, that Gerald Glover has three kids by three different momas, that Gerald Glover is a piece of shit, that he (Steve Moore) would make Glover quit, that he (Moore) already had Gerald's replacement if he would quit, and other statements clearly intended to demean and defame Gerald Glover due to his race.

13. Defendant Steve Moore committed numerous acts against Gerald Glover which were discriminatory, such as ordering Gerald Glover to measure yellow road lines by driving along a busy road with his door open, yelling at Gerald Glover in front of numerous employees at a Town building, loudly ordering Gerald Glover to vacate his office and take a cubicle, suspending Gerald Glover for no reason, and numerous other racist and bullying acts.

14. Gary Gamble witnessed Steve Moore screaming at Gerald Glover in the parking lot at Town Hall, and other racist incidents. Gamble told Steve Moore to stop treating Gerald Glover this way, but Moore laughed at Mr. Gamble.

15. Gerald Glover told Steve Moore that he was creating a toxic work environment, but Moore yelled back that it was Mr. Glover who was creating the toxic work environment, with no basis for making such a statement, as Mr. Glover never yelled back or treated Moore disrespectfully. Glover told Moore that it was dangerous and an OSHA violation for Moore to insist that Glover measure yellow lines on a busy road, Ronald Reagan Parkway, with his door open, using a measuring wheel. Glover said that he should measure the lines by using cameras and pictures. Moore screamed at Glover for his alleged disobedience.

16. Gary Gamble complained to Town Manager Ryan Cannon that Moore was treating and speaking to Gerald Glover in a racist manner and that it had to stop.

17. Town Manager Ryan Cannon responded to Gary Gamble by saying words to the effect that you (Gary Gamble) and Steve Moore are a pain in my ass, you both have enough money, I don't know why you work here, you should just quit and retire.

18. Gerald Glover complained to Town Clerk Julie Loker several times and to her assistant that he was being treated in a racist manner by his boss Steve Moore.

19. Both Julie Loker and her assistant said there was nothing they could do and that he should speak to Ryan Cannon.

20. Avon does not have a full-time human resources person and Julie Loker and her assistance fulfill that role for Avon. Neither Loker or her assistant are qualified human resources professionals and neither took Glover's complaints seriously, nor did anything about them.

21. Avon does not train its employees on diversity in the workplace or racial harassment. Avon never followed up on or investigated the complaints by Glover or Gamble. Moore was never disciplined for his horrible words and behavior. After Glover was constructively discharged, Loker told others she was glad that that piece of shit (Glover) was gone from the Town of Avon.

22. Glover is one of only two Black employees at the Town of Avon, which does not affirmative steps to diversity its workforce.

23. Glover then complained to Ryan Cannon about the treatment he received from Steve Moore. Cannon said there is little he could do, and that Glover should do as his boss Steve Moore instructed.

24. On February 22, 2022, Gamble told Ryan Cannon that Steve Moore was saying racist things to Gerald Glover and discriminating against Gerald due to his race and that it had to stop.

25. Ryan Cannon and Town attorney Dan Taylor met with Steve Moore and told Moore that he must stop saying racist things about Gerald Glover. Dan Taylor said to Steve Moore, "Steve, this has to stop!"

26. This conversation was then reported to Gary Gamble by Ryan Cannon.

27. But the racist treatment and statements did not stop. Two days later, Gerald Glover went to Ryan Cannon to complain about Steve Moore's treatment of him. Immediately after that meeting, Steve Moore and Ryan Cannon texted Gerald Glover that he was suspended with pay pending investigation until March 2, 2022. No reason was ever given for this action.

28. Soon thereafter, Ryan Cannon fired Gary Gamble for no valid reason.

29. Several times before firing Gary Gamble, Ryan Cannon made several ageist statements to Gary Gamble, urging him to retire due to his age.

30. Steve Moore told Gary Gamble that he intended to make Gerald Glover quit so that he (Steve Moore) could place his girlfriend's daughter's boyfriend, a White person, in Gerald Glover's job.

31. On March 2, 2022, Gerald Glover returned to the Town to find his office door was locked and all of the employees were watching as he entered. Moore loudly announced that Gerald your office is over there, pointing to a cubicle, obviously intending to humiliate Mr. Glover in front of his colleagues.

32. Mr. Glover concluded that the working conditions at Avon were so intolerable that a reasonable person would not continue in the employment. Thus, Mr. Glover was constructively discharged by the Town of Avon.

33. On February 25, 2022 Gary Gamble was suspended with pay pending investigation by Ryan Cannon.

34. On March 11, 2022, Ryan Cannon fired Gary Gamble for false reasons which were a mere pretext for retaliation against Gamble for complaining about racism, and to cover up Cannon's ageist words and actions against Gamble.

35. White employees at the Town of Avon have not been treated in the racist manner experienced by Gerald Glover.

36. Younger employees at the Town of Avon have not been treated in the ageist manner experienced by Gary Gamble.

37. Both Glover and Gamble were fired in retaliation for complaining about racist actions and statements by Steve Moore.

38. Both Steve Moore and Ryan Cannon were acting under color of state law as those terms are defined by 42 USC 1983.

### **COUNT I VIOLATION OF CIVIL RIGHTS AND RETALIATION**

39. Plaintiff incorporates all prior paragraphs.

40. Defendants violated the federally protected civil rights of Plaintiff pursuant to 42 USC 1983, that allows people to sue the government for civil rights violations. This law applies when someone acting "under color of" state-level or local law has deprived a person of rights created by the U.S. Constitution or federal statutes.

42. Pursuant to 42 USC 1983, Defendants are liable for retaliating against Plaintiffs for asserting their legally protected rights.

43. Plaintiffs have been damaged as a result of Defendants' violations of their civil rights.

42. Plaintiff seek backpay, front pay, liquidated damages, compensatory damages, punitive damages, attorney fees, costs and all other damages available under 42 USC 1983, and 1985.

WHEREFORE, Plaintiffs, Gerald Glover and Gary Gamble, by counsel, hereby seeks a money judgment against Defendant Town of Avon, Indiana, Steve Moore and Ryan Cannon, for back pay, front pay, liquidated damages, compensatory damages, punitive damages, attorney fees, pre and post judgment interest, costs and all other available relief.

Respectfully submitted,  
*/s/ Mark Waterfill*  
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**JURY DEMAND**

Plaintiffs demand a trial by jury.

*/s/ Mark Waterfill*

